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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,022	02/27/2002	Koji Kunii	450100-03800	2689
20999	7590	03/22/2005		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER ABDULSELAM, ABBAS I	
			ART UNIT	PAPER NUMBER
			2674	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/086,022

Applicant(s)

KUNII ET AL.

Examiner

Abbas I Abdulsalam

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/23/05 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed on <sup>2/23/05</sup>~~06/04/04~~ have been fully considered but they are not persuasive.

Applicant argues that the cited reference does not teach, "writing means for writing to said schedule list said preset information established by said establishing means". However, as discussed in the art rejection below, Ellis teaches Ellis teaches a micro-controller (16) that recognizes the received data as and application software, which controls the program, schedule system and stores it in Rom, EEPROM (20) (col. 5, lines 42-47). Ellis also teaches as discussed in the art rejection setting a VCR timer to control a VCR to record the program at the scheduled time. Ellis additionally teaches an electronic program guide that could be configured to store a unique digital identifier for each program along with its schedule information and later use of the identifier--e.g., by transmitting it--to indicate to a recording or storage device, such as a video recorder, that the user wishes to record the program. Ellis adds that the program guide could also use the identifier to automatically control operation of the video recorder, and it could also be

Art Unit: 2674

configured to use other stored schedule information. See col. 18, lines 31-40. Therefore, it would have been obvious to utilize Ellis's VCR timer along with configurable electronic program guide with unique digital identifier to achieve the desired "writing means" with respect to "preset information"

Applicant argues that the cited reference Ellis et al. (USPN 6470497) does not teach synchronization means for synchronizing said program information and/ or said user's schedule list of said portable information terminal apparatus with one or more external apparatus; and program recording history means recording viewing patterns of said user. However, as mentioned in the art rejection below, Ellis teaches that various components of the electronic program schedule (10) as shown in that can be mounted in a separate housing, or included as part of a television receiver, VCR, personal computer, or multimedia player; or reside as a distributed application in a broadband network architecture (col. 4, lines 50-60). It would have been obvious to one of ordinary skill in the art that at the time the invention was made to ascertain that a distributed application in a network structure involves synchronization in order to achieve compatibility among the elements in the network architecture. In addition, Ellis teaches application software with respect to program schedule information, and indicates that the application software can be configured to carry out other tasks (col. 6, lines 26-33). Thus, it would have been obvious that the application program can be configured with respect to the user's preference.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2674

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (USPN 6470497).

Regarding claims 1 and 5-7, Ellis teaches an electronic program schedule system (10), whose components can be located in a user's set-up cable converter box or other signal reception or processing device (col. 4, lines 50-60). Ellis discloses a data provider, which is a program information provider, and the data stream containing program schedule information for all television programs and similar services (col. 4, lines 67 and col. 5, lines 1-5). Ellis teaches a micro-controller (16) that recognizes the received data as an application software, which controls the program, schedule system and stores it in Rom, EEPROM (20) (col. 5, lines 42-47). Further, Ellis teaches a micro-controller (16) issuing proper control commands to a program circuit (21), which is adapted to supply the proper program voltage and logic control signals (22) required to erase and write to the EEPROM (20). See col. 5, lines 61-65. In addition, Ellis discloses the micro-controller (16) functioning through taking the program schedule information and supplying it to a video display generator VDG (23). See Col. 6, lines 34-44. Ellis mentions the use of remote controllers whose functions can be integrated into a keypad on the user's cable box or other hardware. See col. 8, lines 65-67.

Ellis does not specifically teach "establishing means for establishing preset information for presenting a program for unattended recording based on an application input by a user referring to the program information displayed by the displaying means." On the other hand,

Art Unit: 2674

Ellis teaches that when a user selects a future program, it is possible to set a VCR timer for programmed recording. For example, Ellis teaches that when a user presses an ENTER button (44) on the remote control device while a future program is selected, the user can set a VCR timer to control the VCR at the scheduled time at which a REMINDER message is displayed. See col. 14, lines 32-41.

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Ellis's selection of future program for the purpose of setting and recording a program ahead of time. One would have been motivated in view of Ellis that future program selection along with the use of VCR equivalently establishes preset information for presenting a program for unattended recording.

In addition, Ellis teaches that various components of the electronic program schedule (10) as shown in that can mounted in a separate housing, or included as part of a television receiver, VCR, personal computer, or multimedia player; or reside as a distributed application in a broadband network architecture (col. 4, lines 50-60). It would have been obvious to one of ordinary skill in the art that at the time the invention was made to ascertain that a distributed application in a network structure involves synchronization in order to achieve compatibility among the elements in thee network architecture. In addition, Ellis teaches application software with respect to program schedule information, and indicates that the application software can be configured to carry out other tasks (col. 6, lines 26-33). Thus, it would have been obvious that the application program can be configured with respect to the user's preference.

Art Unit: 2674

Regarding claim 2, Ellis teaches a micro-controller (16) issuing proper control commands to a reprogram circuit, which is adapted for writing and erasing. See col. 5, lines 61-67.

Regarding claim 3, Ellis discloses that that the system may be configured to display program schedule information for multiple channels or multiple time periods. See col. lines 50-54.

Regarding claim 4, Ellis teaches icons (47A 47B) that may be displayed on a TV screen directly above the corresponding distinguishing color-coded key. See col. 8, lines 8-21 and Fig. 4.

Regarding claims 8-14, Ellis teaches application software with respect to program schedule information, and indicates that the application software can be configured to carry out other tasks (col. 6, lines 26-33). Thus, it would have been obvious that the application program can be configured with respect to the user's preference

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art is cited for further reference.

U.S. Pat. No. 6,710,791 to Kodama et al.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abbas I Abdulsalam whose telephone number is (571) 272-7685. The examiner can normally be reached on from Monday through Friday from 9:00 A.M. to 5:30 P.M.

Art Unit: 2674

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

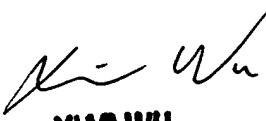
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abbas Abdulsalam

Examiner

Art Unit 2674

March 18, 2004

  
**XIAO WU**  
**PRIMARY EXAMINER**